

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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Federal Communications Commission
Office of Secretary

In The Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Cheyenne and Encampment, Wyoming))
)
)
To: The Secretary)
)

MB Docket No. 04-402
RM-11087

COMMENTS

Brahmin Broadcasting Corporation ("Brahmin"), the licensee of Station KRRR(FM), Cheyenne, Washington, by its counsel, hereby submits these Comments in support of the proposal, set forth in the Notice of Proposed Rule Making in *Cheyenne and Encampment, Wyoming*, DA 04-402, released October 25, 2004 ("NPRM"), to amend the Commission's Table of FM Allotments in Section 73.202(b) of the Commission's Rules to allot FM Channel 285C2 to Encampment, Wyoming, to substitute FM Channel 229C2 for FM Channel 285C2 at Cheyenne, Wyoming, and to substitute FM Channel 285C2 for FM Channel 229A at Cheyenne, Wyoming, and to modify Brahmin's license for KRRR from FM Channel 285C2 to FM Channel 229C2 accordingly. In support thereof, Brahmin states as follows.

Initially, Brahmin wishes to note that it became the licensee pursuant to an assignment of the KRRR license, from the Petitioner, Mountain States Radio, Inc., to Brahmin, which was consented to by the Commission. *Public Notice*, Report No. 45735, released May 13, 2004. As the current licensee of KRRR, Brahmin has assumed the role of Petitioner and is proceeding to prosecute the Petition in place of Mountain States Radio, Inc.

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As noted in the *NPRM*, a number of relevant factors weigh in favor of the proposed change in community of license. Significantly, the proposed allotment changes would provide the community of Encampment, Wyoming¹ with its first local aural service. Moreover, as evidenced by the attached (Exhibit A) gain/loss studies² of the proposed Cheyenne channel changes, when taken collectively, there is a net gain in areas and populations served by the proposals. Brahmin recognizes that the change in allotment of KRRR will result in a *de minimis* population loss of 643 persons.³ However, when the *de minimis* population loss is combined with a new allotment and the overall net gain in areas and populations served by the proposed allotment changes, there is an ample basis for granting the instant Petition. *Wallace, Idaho, and Bigfork, Montana*, 19 FCC Rcd 15267, 15268 (2004).

Should Channel 285 be allotted to Encampment, Brahmin intends to participate in the auction process for such channel and to construct it should it be the successful bidder. Brahmin also intends, if the Petition is granted, to file an application to modify the license for KRRR and construct the modified facility. Finally, an affiliate of Brahmin was the winning high bidder for FM Channel 229A at Cheyenne, Wyoming in FM Auction No. 37.⁴ The affiliate also intends, if the Petition is granted, to file an application to modify its construction permit or license and construct the modified facility.

¹ Encampment constitutes a “community” for allotment purposes. It is an incorporated community whose population is shown in the 2000 U.S. Census and has its own post office, zip code and many retail businesses. Such factors are sufficient to establish a rebuttable presumption that Encampment meets the FCC’s standards. *See Grants and Peralta, New Mexico*, 14 FCC Rcd 21446, 21449 (MMB 1999).

² These studies were requested in Paragraph 3 of the *NPRM*.

³ The Commission has previously applied the *de minimis* standard to a loss of second aural service to 455 persons. *See Seabrook, Huntsville, et al.*, 10 FCC Rcd 9360 (1995).

⁴ *Public Notice*, DA 04-3964, released December 1, 2004.

Accordingly, Brahmin respectfully requests that the Commission grant the proposed rulemaking and amend the Table of FM Allotments (Section 73.202 (b) of the Commission's Rules) to allot FM Channel 285C2 to Encampment, Wyoming, substitute FM Channel 229C2 for FM Channel 285C2 at Cheyenne, Wyoming, and substitute FM Channel 285C2 for FM Channel 229A at Cheyenne, Wyoming, and modify the license for Station KRRR(FM), Cheyenne, Wyoming, from FM Channel 285C2 to FM Channel 229C2

Respectfully submitted,

**BRAHMIN BROADCASTING
CORPORATION**

By: 

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Dated: December 14, 2004

EXHIBIT A

TECHNICAL EXHIBIT
IN SUPPORT OF
COMMENTS IN THE NOTICE OF PROPOSED RULE MAKING IN
MB DOCKET NO. 04-402
AMENDMENT OF SECTION 73.202(b), TABLE OF FM ALLOTMENTS
CHEYENNE AND ENCAMPMENT, WYOMING

Technical Narrative


This technical exhibit has been prepared on behalf of FM station KRRR on channel 285C2 at Cheyenne, Wyoming in support of comments in the Notice of Proposed Rule Making in MB Docket 04-402 (herein "NPRM"). The NPRM proposed the allotment of channel 285C2 to Encampment, Wyoming as that community's first local aural transmission service. In addition, in order to accommodate the channel 285C2 allotment at Encampment, the NPRM proposed that channel 229C2 be substituted for station KRRR's channel 285C2 allotment at Cheyenne, Wyoming. In order to accommodate the channel 229C2 allotment at Cheyenne, the NPRM proposes that channel 285C2 be substituted for vacant channel 229A at Cheyenne at a new reference site.

The NPRM, a paragraph 3, requested data comparing the areas and populations served by KRRR's current operation on channel 285C2 with the areas and populations to be served by KRRR's proposal to operate at a new transmitter site on channel 229C2. In addition, the NPRM also requested data comparing the areas and populations that would be served by the current allotment of channel 229A at Cheyenne with the areas and populations to be serviced by the proposed channel 285C2 at Cheyenne. Therefore, the purpose of this Technical Exhibit is to provide the requested data.

Figure 1 is a map which depicts the 1 mV/m (60 dBu) contours for KRRR's current operation on channel 285C2 and proposed operation on channel 229C2. The 1 mV/m "gain" and "loss" areas are also indicated. It has been determined that the gain area contains 1,637 persons within 1,339 square kilometers and the loss area contains 2,280 persons within 1,339 square kilometers.

Figure 2 is a map which depicts the 1 mV/m contours for the current channel 229A allotment at Cheyenne and the proposed channel 285C2 at Cheyenne. The 1 mV/m "gain" and "loss" areas are also indicated. It has been determined that the gain area contains 3,648 persons within 6,026 square kilometers. There would be no loss area.

The FM predicted 1 mV/m coverage contours were calculated in accordance with the provisions of Section 73.313 presuming maximum allowable facilities and uniform terrain in all directions. The population within each 1 mV/m gain and loss area was calculated using a computer program that utilizes the 2000 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM 1 mV/m gain and loss area was calculated using a root mean square algorithm.

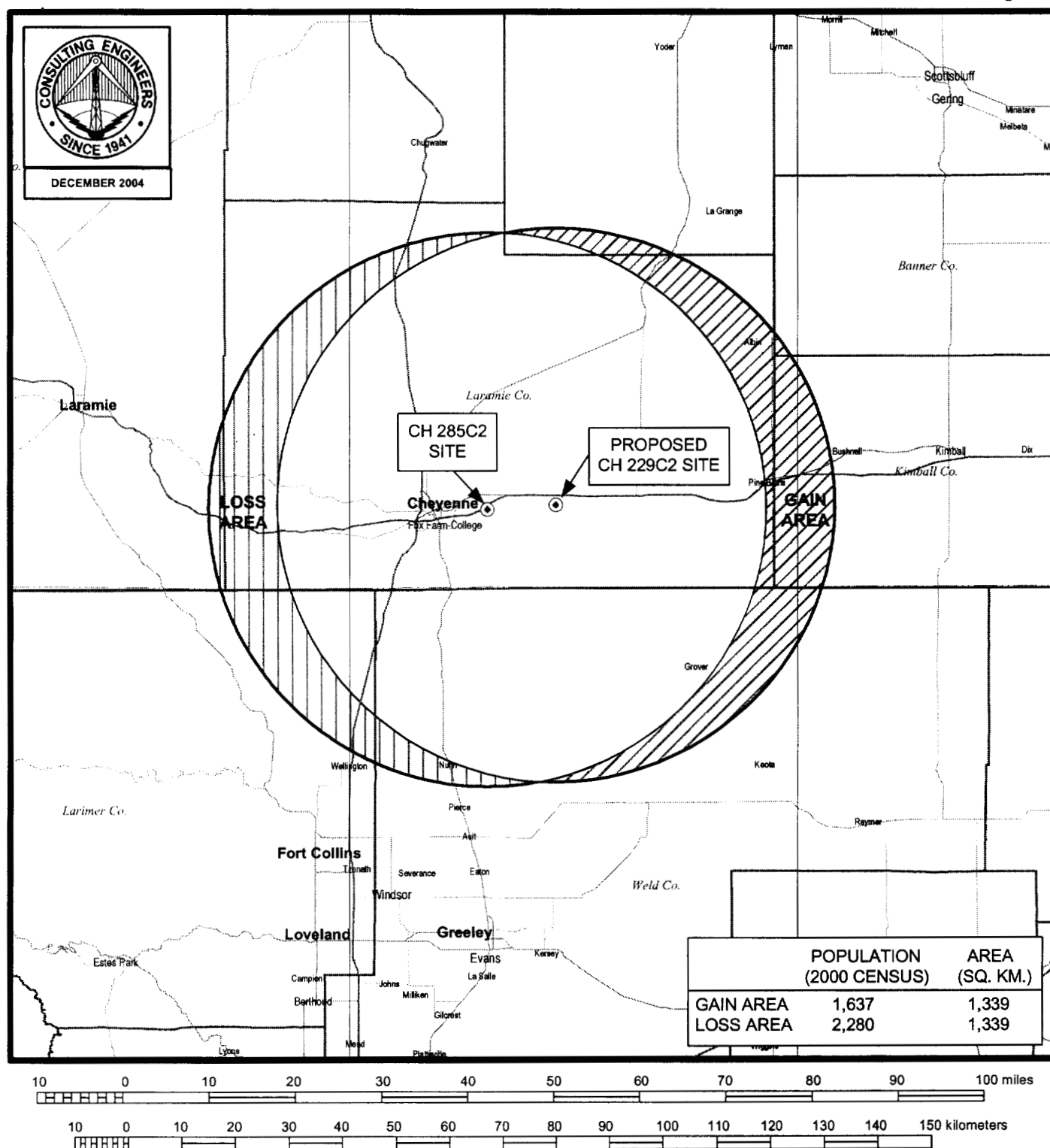


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Figure 1

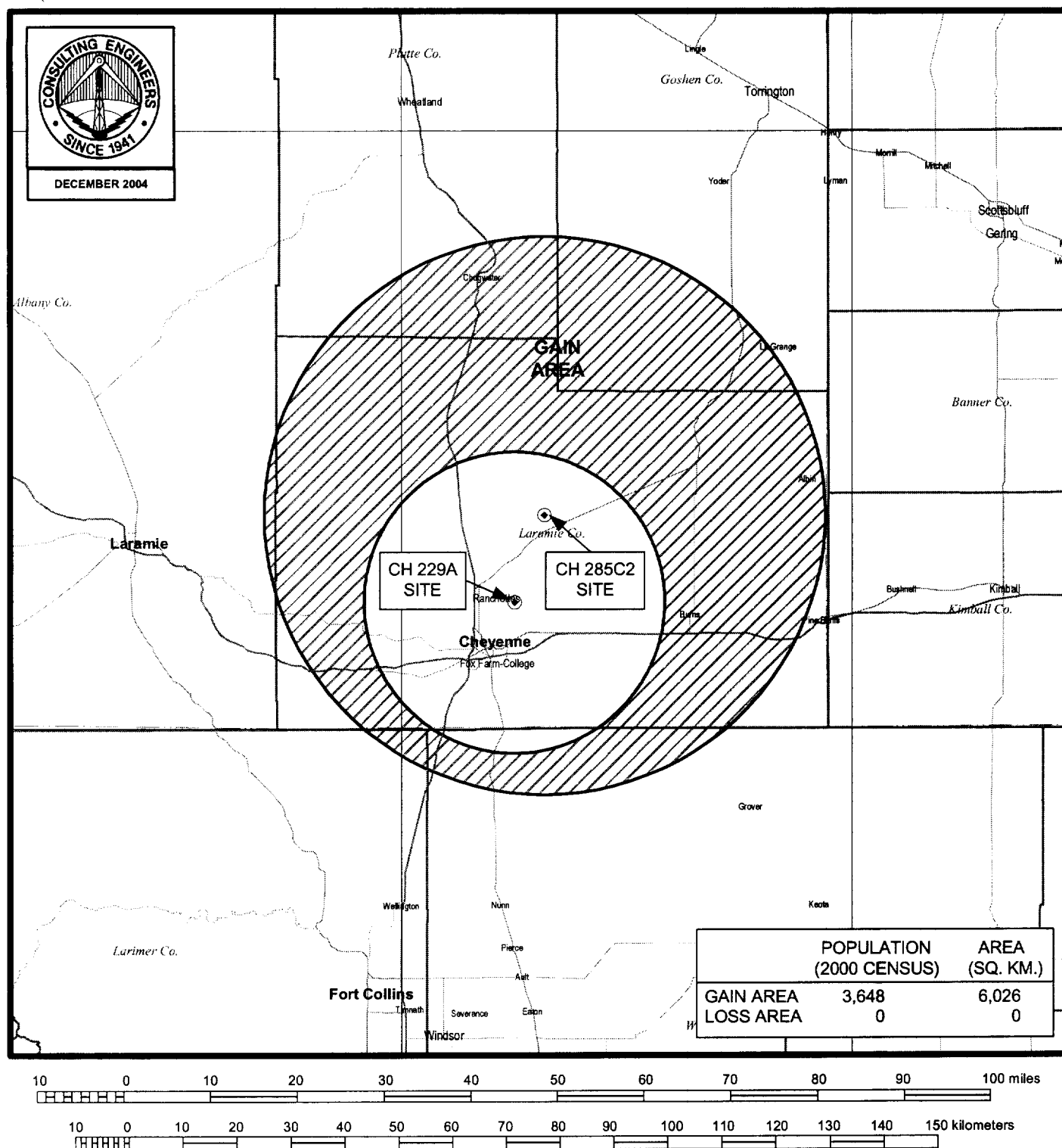


PREDICTED 1 mV/m COVERAGE CONTOURS

STATION KRRR(FM)
CHEYENNE, WYOMING
CHANNELS 285C2/229C2

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



PREDICTED 1 mV/m COVERAGE CONTOURS

CHEYENNE, WYOMING
CHANNELS 229A/285C2


du Treil, Lundin & Rackley, Inc. Sarasota, Florida

CERTIFICATE OF SERVICE

I, Barry A. Friedman, do hereby certify that I have, on this 14th day of December, 2004, served a copy of the foregoing, "Comments," upon the following parties by first-class mail, postage-prepaid:

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A handwritten signature in black ink, appearing to be 'B. Friedman', is written over a horizontal line.